

REMARKS

I. Background

The office action mailed October 13, 2010 has been received. By way of response, Applicants have corrected the specification as requested by the Examiner; have amended claim 1; and, have cancelled claims 19-22. Claim 23 has been added. It relates to former claim 20 written in independent form, and including amendments to include certain rejections made under §112, with respect to claim 19. It is believed that all claims are in condition for allowance, and a notice to this effect is requested.

II. Request for Extension of Time

It is noted that a two-month extension of time is necessary, in order to provide for timeliness of the present response. A request for such an extension is made.

III. The Request for Correction to the Specification

The Examiner requested correction to the specification, with respect to identification of USSN 60/532,761 as a provisional application. An appropriate amendment to the specification has been requested.

IV. The §112 Rejections

The Examiner rejected claims 1-22 for a variety of reasons, under §112. These are addressed herein as follows:

1. The first raised §112 rejection concerned claim 1. Applicants believe the rejections may have, in part, been a misunderstanding on part of the Examiner, and ask that the following be considered. It will be apparent from the following comments that Applicants believe claim 1 to now be in proper order. However, if the Examiner continues to have a concern and wishes to discuss further amendment, it is suggested that a telephone conference be conducted to avoid delay, if possible.

(a) Claim 1 clearly and unambiguously positively recites: the housing; and, the suction filter assembly. Referring to Fig. 1, the housing is defined at reference numeral 3, see the specification at page 6, lines 7-12. The suction filter assembly is unambiguously identified at reference numeral 10, see again the specification at page 6, especially lines 11-12. It is these two components that are claimed, in claim 1 as comprising the assembly. There is no specific recitation in claim 1 of the serviceable filter cartridge, indicated at 15, Fig. 1, see page 6, lines 13-23. Thus, the portion of the liquid filter assembly specifically recited in claim 1 is the portion that remains in place as the main filter cartridge is serviced.

(b) The housing is defined as including a “liquid flow inlet arrangement,” a “liquid flow outlet arrangement,” and a “tank reservoir liquid flow inlet/outlet.” These are indicated in the Fig. 1 drawings at reference numerals 30, 31 and 42, respectively; see the specification at page 7, lines 10-22; and, page 8, lines 24+. It is believed that these terms are unambiguously used in claim 1, appropriately.

(c) The suction filter assembly at 1(b) is defined as comprising a non-helical spring directionally biased valve arrangement, which term is found in the specification at page 9, lines 31+. The particular non-helical spring directionally biased valve arrangement recited at 1(b)(ii) is characterized as comprising a ring shaped valve member having at least one cut valve therein. This is a type of non-helical spring directionally biased valve arrangement discussed in the specification, for example at page 20, lines 32 – page 21, line 2.

(d) It is asserted that claim 1 does positively recite the suction filter media at 1(b)(i) in the language “an extension of suction filter media defining a central volume.” It is not believed that more clarification is required. The extension is the suction filter media, not something else. That is, the suction filter media is claimed as being “an extension of suction filter media defining a central volume.”

(e) The Examiner asserted that claim 1 fails to structurally link the recited elements described in it. Again, it is asserted that upon review, further amendment will not be needed. At 1(a) the housing is defined. At 1(b) the suction filter assembly is described and is now characterized as

secured to the filter housing and positioned in liquid flow communication with a reservoir liquid flow inlet/outlet. Thus, the two components are structurally and operably linked.

2. The Examiner raised several §112 rejections with respect to claim 19. It is noted that claim 19 has been cancelled. However, claim 23 has been provided, and corresponds, in great part, to claim 20 written in independent form, and thus includes much of the language of claim 19. Amendments have been suggested to the portion of claim 20 that was taken from claim 19, to address the Examiner's asserted concerns. Specifically, it is now apparent that the primary filter cartridge section and the bypass filter cartridge section are non-removable secured within the filter cartridge. It is believed this addresses the Examiner's first concern.

(a) As to the Examiner's second concern, stated at (ii) with respect to claim 19, the issue is not fully understood. The tube is clearly and unambiguously shown in Fig. 1 at 45. It is not part of the cartridge, and thus is not claimed. However, when the cartridge is pushed over the tube 45, the seal is formed as shown in Fig. 1, and as specifically shown in Fig. 1A at 90.

It is noted that claim language has been used to clarify the point.

3. The §112 rejection with respect to claim 22 is rendered moot by the cancellation of claim 22.

V. The Double Patenting Rejection

The Examiner raised a double patenting rejection with respect to claims 1-19 of co-pending 12/310,466. It is believed that this may well have been a typographical error on part of the Examiner and the intent was to refer to USSN 12/310,468. Clarification of this point is requested. The claims currently pending in USSN 12/310,468, are attached hereto as Exhibit A. In general USSN 12/310,468 currently includes 17 claims, comprising two independent claims, claims 1 and 14.

(a) Independent claim 1 is directed to a filter cartridge. The cartridge is required to include a first end cap positioned between a primary filter cartridge section and a bypass filter cartridge section; a seal support surrounded by the media of the bypass filter cartridge section, which is

non-orthogonal to a central axis of the bypass filter cartridge section; and, a second end cap at an opposite end of the primary filter cartridge section from the first end cap.

Of the current claims of the present application, claim 23 is directed to a filter cartridge. This claim, however, does not in any manner require a seal support, surrounded by media of a bypass filter cartridge section which is also positioned in a slanted seal plane non-orthogonal to the central axis of the bypass filter cartridge section. Therefore, it is believed that claim 23 of the present application avoids a double patenting rejection, at least with respect to claim 1 of USSN 12/310,468.

(b) It is also noted that independent claim 14 of USSN 12/310,468 is currently pending, and requires, among other things, a valve assembly which has a tubular bypass valve member positioned surrounded by the upper section of a frame piece. There is no such requirement in cartridge claim 23 of the present application.

(c) Turning now to liquid filter assembly claim of the present application, claim 1, there is a specific requirement of a non-helical spring directionally biased valve arrangement, in a suction filter assembly. There is no requirement for such a construction in independent claim 1 of USSN 12/310,468. There is also no requirement for such a structure in independent claim 14 of USSN 12/310,468. Thus, it is believed that a double patenting rejection among these independent claims is avoided.

(d) It is also believed that upon review of the dependent claims, the Examiner will observe the two applications are indeed directed to different, overall, subject matter, with respect to specifics. Therefore, it is believed that a double patenting rejection is appropriately avoided.

The Examiner is requested to reconsider the double patenting rejection in view of the above observations and a full consideration of the specificity of limits in claims of the two files.

VI. Second Supplemental IDS

The Examiner's attention is directed the Second Supplemental Information Disclosure Statement submitted simultaneously herewith. It is noted also that Exhibit A provided with the Information

Disclosure Statement, and submitted herewith, is a set of the currently pending claims of USSN 12/310,468, for additional consideration with respect to the double patenting rejection raised.

VI. Summary

No art rejections were raised with respect to claims 1-18 and 20. The Examiner did raise §112 rejections with respect to claim 1, which it is believed upon further review and considerations of offered amendments, will be withdrawn. As to claim 20, it is now written in independent form as claim 23 including the limitations of claim 19. The Examiner did raise §112 rejections with respect to claim 19, and these have been addressed. In addition, as to a double patenting rejection, it is believed upon further review it will be withdrawn.

Further, an amendment to the specification requested by the Examiner has been made. It is believed that claims 1-18 and 23 are now in condition for allowance, and a notice to this effect is requested. The Examiner is invited to contact Applicants' Representatives at the below listed telephone if there are any questions or concerns regarding this communication.

Respectfully submitted,

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S/N 10/583,901

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Schiavon et al.	Examiner:	Menon, Krishnan
Serial No.:	10/583,901	Group Art Unit:	1777
Filed:	June 21, 2006	Docket No.:	758.1537USWO
Title:	LIQUID FILTER ASSEMBLY; AND, METHODS		

Exhibit A

Pending Claims Corresponding to USSN 12/310,468 (M&G 758.2050USWO)
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